

ORIGINAL



0000078184

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

57

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2007 OCT 26 P 1:51

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE JOINT
APPLICATION OF WATER UTILITY OF
GREATER BUCKEYE, INC. AND
VALENCIA WATER COMPANY, INC. TO
TRANSFER THE ASSETS, INCLUDING THE
CERTIFICATES OF CONVENIENCE AND
NECESSITY, OF WATER UTILITY OF
GREATER BUCKEYE, INC. TO VALENCIA
WATER COMPANY.

Docket No. W-01212A-06-0666

Docket No. W-02451A-06-0666

NOTICE OF FILING

Valencia Water Company, Inc. ("Valencia") and Water Utility of Greater Buckeye, Inc. ("WUGB")(collectively, the "Applicants" or the "Global Utilities") file a copy of the final judgment regarding the Town of Buckeye's condemnation case.

RESPECTFULLY SUBMITTED this 26th of October 2007.

ROSHKA DEWULF & PATTEN, PLC

By

Michael W. Patten

Timothy J. Sabo

One Arizona Center

400 East Van Buren Street, Suite 800

Phoenix, Arizona 85004

Arizona Corporation Commission

DOCKETED

OCT 26 2007

DOCKETED BY

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

Original + 15 copies of the foregoing
filed this 26th day of October 2007, with:

Docket Control

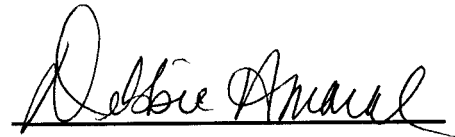
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

Copies of the foregoing hand-delivered/mailed
this 26th day of October 2007, to:

Lyn A. Farmer, Esq.
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Christopher C. Kempley, Esq.
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Ernest G. Johnson, Esq.
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007



COPY

FILED
October 19, 2007 - 10:33 am
MICHAEL K. JEANES, Clerk
By *L. Ferrillo*
Deputy

GUST ROSENFELD P.L.C.
201 E. Washington, Suite 800
Phoenix, Arizona 85004-2327
602-257-7422
David A. Pennartz -- 006429

Attorneys for Town of Buckeye

RECEIVED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

TOWN OF BUCKEYE, a municipal
corporation,

No. CV2006-010954

Plaintiff,

**JUDGMENT OF DISMISSAL
WITHOUT PREJUDICE AND
AWARD TO DEFENDANT WATER
UTILITY OF GREATER BUCKEYE,
INC. FOR ATTORNEY'S FEES AND
COSTS**

vs.

WATER UTILITY OF GREATER
BUCKEYE, INC., an Arizona corporation;
STATE OF ARIZONA by the ARIZONA
DEPARTMENT OF REVENUE, as to any
unpaid taxes on centrally-valued utility
property; COUNTY OF MARICOPA, as to
any unpaid real property taxes;
PARTY(IES) IN POSSESSION OF AN
UNRECORDED INTEREST; UNKNOWN
DEFENDANTS; HEIRS AND DEVISEES
OF THE ABOVE-NAMED
DEFENDANTS, IF DECEASED,

(Assigned to Hon. Samuel J. Myers)

Defendants.

UPON STIPULATION of Plaintiff, TOWN OF BUCKEYE, and
Defendant WATER UTILITY OF GREATER BUCKEYE, INC., by and through their
respective counsel, to the form of Judgment for entry on the Court's ruling granting

1 Defendant's Motion for Summary Judgment re: Ratification, dismissing this action
2 without prejudice pursuant to the Court's ruling, and entering an amount agreed to by
3 settlement between the parties for award to Defendant WATER UTILITY OF GREATER
4 BUCKEYE, INC., as and for an award of its attorney's fees and costs incurred herein,
5 pursuant to A.R.S. §38-431.07, and the Court finding good cause;
6

7 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
8 that Defendant's Motion for Summary Judgment re: Ratification is granted and it is further
9 Ordered dismissing this action without prejudice.

10 IT IS FURTHER ORDERED granting judgment in favor of Defendant
11 WATER UTILITY OF GREATER BUCKEYE, INC. against Plaintiff, TOWN OF
12 BUCKEYE, in the amount of ONE HUNDRED TEN THOUSAND DOLLARS
13 (\$110,000.00) as and for said Defendant's attorney's fees and costs incurred herein,
14 pursuant to A.R.S. §38-431.07. Said Judgment amount shall be solely payable by
15 Plaintiff, TOWN OF BUCKEYE, and is not entered against nor shall it be payable
16 individually by any of the Plaintiff's public officials, officers or employees.
17

18 IT IS FURTHER ORDERED releasing the audio CD of a portion of the
19 executive session of the Town Council of the Town of Buckeye on June 29, 2006, that the
20 Court received and reviewed *in camera*, to counsel for the Plaintiff. No ruling by the
21 Court in this action shall have the effect of making all or any part of such audio recording
22

23 ...

24 ...

25 ...

1 or minutes of said executive session available publicly or void the executive session
2 confidentiality provided for by A.R.S. §38-431.03(B).

3 DATED this 18 day of October, 2007.

4
5
6 **Sam J. Myers**

7 _____
8 Hon. Samuel J. Myers
9 Judge of the Superior Court
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26